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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,010	08/01/2001	David B. Christianson	337298003US1	5029
22434	7590	09/23/2005		
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250				
			EXAMINER WONG, LESLIE	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,010

Applicant(s)

CHRISTIANSON ET AL.

Examiner

Leslie Wong

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 and 50-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Receipt of Applicant's Amendment, filed 09 June 2005, is acknowledged.

Information Disclosure Statement

2. Applicants' Information Disclosure Statement, filed 21 March 2005, has been received, entered into the record, and considered. See attached form PTO-1449.

Drawings

3. The drawings were received on 09 June 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 22-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **DaCosta et al.** ("DaCosta") (US 6826553 B1) in view of **Shigemi et al.** ("Shigemi")(US 6279006 B1).

Regarding claims 22, 26, and 31, **DaCosta** teaches a computer-implemented method, an apparatus, and an article of manufacture comprising:

generating a structured organization to store a collection of semi-structure data (col. 2, lines 1-3; col. 15, lines 9-11 and 51-56).

DaCosta does not explicitly teach collaterally generating a description of how the semi-structure data is stored under the structured organization, wherein the description of how the semi-structured data is stored in the structured organization tracks the semi-structured data and includes storage location information of the structured organization.

Shigemi, however, teaches collaterally generating a description of how the semi-structure data is stored under the structured organization, wherein the description of how the semi-structured data is stored in the structured organization tracks the semi-structured data and includes storage location information of the structured organization (col. 7, lines 15-27; Fig. 3, element 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because

Shigemi's teaching would have allowed **DaCosta's** to enable a computer to perform a process of generating electronic data such that the definition of a logical structure can easily be changed and that semantics described in data which matches a defined structure is as intended by a person who has defined the structure as suggested by **Shigemi** at col. 3, lines 1-8.

Regarding claims 23, 27, and 32, **DaCosta** further teaches collaterally generating a description of description comprises generating descriptive entries for a description table, with each descriptive entry identifying a first and second storage column of a storage table for a parent and a child node of a parent and child node pair of the semi-structured data (col. 9, lines 25-44; col. 15, lines 50-66).

Regarding claims 24, 28, 33, 38, 42, and 47, **Shigemi** further teaches wherein said collateral generation of a description further comprises generating for each of a selected one or ones of said descriptive entries a context qualifier for at least a selected one of the parent and the child node (i.e., organization name and department name)(Fig. 3, element 10; Fig. 19, element 221).

Regarding claims 25, 29, and 34, **DaCosta** further teaches said generation of structured organization comprises creating relational storage tables with rows and column in a normalized manner (col. 2, lines 38-40; col. 9, lines 32-40; col. 15, lines 50-66).

Regarding claims 30, 35, 44, and 49, **DaCosta** further teaches wherein said programming instructions are a subset of a larger collection of programming instructions implementing a selected one of a database manager and a development toolkit that facilitates development of applications that access databases (col. 3, lines 60-67).

Regarding claims 39, 43, and 48, **DaCosta** further teaches wherein said generating of a semi-structured data organization comprises creating an extensible mark-up language (XML) data structure for a collection of relational tables (col. 7, lines 29-35).

Regarding claims 36, 40, and 45, **DaCosta** teaches a computer-implemented method, an apparatus, and an article of manufacture comprising:

A storage medium having stored therein a plurality of programming instructions designed to generate a semi-structured data organization for a collection of structured data, when executed and to collaterally generate a description of correspondence between the semi-structured data organization and the structured data (col. 2, lines 1-3; col. 15, lines 9-11 and 51-56);

A processor coupled to the storage medium to execute the programming instructions (claim 19, microprocessor based device)

with each descriptive entry identifying a first and a second storage column of a storage table of the structured data for a parent a child node of a parent and child node pair of the generated semi-structured data organization (col. 9, lines 25-44)

DaCosta does not explicitly teach wherein the programming instructions are designed to generate the description by generating a description table having a plurality of descriptive entries.

Shigemi, however, teaches wherein the programming instructions are designed to generate the description by generating a description table having a plurality of descriptive entries (col. 7, lines 15-27, Fig. 3, element 10, Fig. 19, element 221).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Shigemi's** teaching would have allowed **DaCosta's** to enable a computer to perform a process of generating electronic data such that the definition of a logical structure can easily be changed and that semantics described in data which matches a defined structure is as intended by a person who has defined the structure as suggested by **Shigemi** at col. 3, lines 1-8.

Response to Argument

6. Applicant's arguments with respect to claims 22-49 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong
Primary Patent Examiner
Art Unit 2167

LW
September 17, 2005